

ECF TRANSCRIPTION SHEET



ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
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Dated: September 24, 2015

Total Number of Pages:

MEMO ENDORSED:

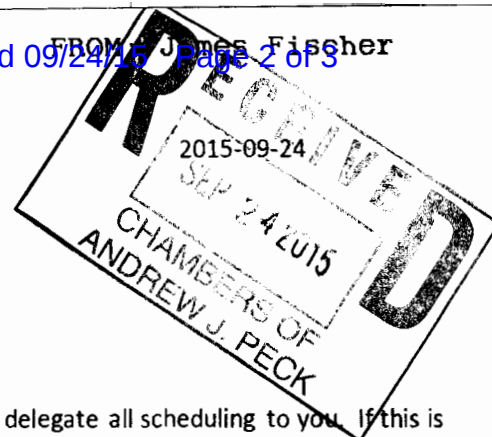
The Court will address any defense request when made by defense, not in advance on an application from the plaintiff.

Copies to: Fischer (mail & email)
Judge Nathan

Hon. Andrew Peck
US Courthouse
500 Pearl St.
New York, NY 10007

USDC SDNY
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DATE FILED: 9/24/15

Re: Schedule for Case 15cv6266



Dear Judge Peck:

I am the plaintiff in case 15cv6266, "Fischer v. Stiglitz". Docket item #4 seems to delegate all scheduling to you. If this is incorrect, please forward this to Judge Nathan, as she asks pro se litigants to mail her hardcopy via the Pro Se unit, and she may not receive it in time to consider it.

I have exchanged email with an attorney who has not yet appeared in this case. Despite having received a mailed courtesy copy of the complaint on August 13, and not being served until Sept 9th, the defense has repeatedly asked in increasingly-pointed terms for an inexplicably minor additional delay – to delay the answer until the reply date for the preliminary injunction motion. The defense has not cited any specific schedule conflict, such as a family matter, personal matter, or vacation, which would prompt my immediate unconditional consent.

I expect the defense to request a delay by letter, and I have several concerns with that request:

- Defense claims of "efficiency" notwithstanding, I will be tangibly prejudiced by being forced into overlapping schedules, multiple filings, or combined motions on disparate issues due on the same days. A pro se litigant has none of the resources of a large law firm like the defendant's, and must make a living doing things other than the litigation at issue. Tightly overlapping briefing schedules on a laundry list of issues raised in opposition sets up a novice pro se litigant to fail, and lacking any other explanation, this seems to be the sole intent.
- If the defendant is unconditionally entitled to a delay on the answer, I would not want to see consideration of the PI motion combined with, delayed by, or complicated by a motion to dismiss. The basic intent of a "preliminary" injunction would appear to be timing. My understanding is that a PI restores the status quo before the parties begin litigation, not afterwards.
- "Personal jurisdiction" has been mentioned multiple times by the defense. If the defense wishes to address that specific question before anything else, I would be happy to address that single issue on an accelerated schedule, even if it were to overlap the PI motion schedule. Two narrow-focus issues at the same time is less of a burden.

I'm sorry if my unfamiliarity makes me seem unnecessarily difficult to the defense or the Court, but I do not think it is my place to presume to second-guess the schedule set by the Court without a good reason from the defense, and the defense has provided no reason at all, other than the overtly-stated threat of their own future lack of cooperation should I not accede to this unexplained request. The only rational response to such bluff and bluster is to call the bluff.

Thanks for your time and attention.

James Fischer

n.b:

This letter is sent in advance, as I must travel out of town on business from 9/25 through 9/30.

Per Judge Nathan's Pro Se Rule 1, I have mailed her copy of this via the Pro Se Unit's address.

Per Judge Nathan's Rule 2, I certify that I have sent a copy of this letter to Mr. Dennis Perlberg of Special States Magistrate Judge

15cv6266

Comments On Expected Defense Request For Delay

MEMO ENDORSED 9/24/15
The Court will address any defense request
under motion by the defense that in balance
is an appropriate for the parties.

SO ORDERED:

Hon. Andrew Peck
Special States Magistrate Judge
any: Fischer (plaintiff)
Judge Nathan

Recipient Information

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Sender Information

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